

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73785

William E. McDonald  
Deborah D. McDonald

2612 Gwyndale Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302, A; 1; B,1.2; A.2, B1, B15; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, failure to clean property of all trash, junk and debris including deck and porch, failure to make any repairs to the home including gutters and downspouts on residential property known as 2612 Gwyndale Avenue, 21207.

On April 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 8, 2010 for removal of open dump/junk yard, unsanitary conditions, store garbage in trash cans, repair exterior structure, repair metal/wood surfaces, repair trim of house. This Citation was issued on April 13, 2010.

B. Photographs in the file show gutters and downspouts broken and falling off the house. Photographs show the fascia board under the roof line missing and siding coming off. Photographs show severely peeling paint on the porch and on some windows. Respondents are required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. Respondents must repair the gutters and downspouts, repair the fascia and siding along the roofline, and paint all peeling or bare wood surfaces.

C. Photographs in the file show junk, debris and household items piled on the outside porch and deck. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection prior to this Hearing found the garbage violation corrected, with garbage properly stored in cans with tight lids.

D. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the required repairs are done and the violations corrected within the time provided below. If the violations are not corrected, the penalty will be imposed and Respondents will be subject to Citation with additional civil penalties for any ongoing code violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 6, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1<sup>st</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer